

AMENDED IN SENATE AUGUST 3, 2016

AMENDED IN SENATE JUNE 30, 2016

AMENDED IN ASSEMBLY MAY 27, 2016

AMENDED IN ASSEMBLY APRIL 5, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 1785**

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**Introduced by Assembly Member Quirk  
(Coauthor: Assembly Member Frazier)**

February 4, 2016

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An act to repeal and add Section 23123.5 of the Vehicle Code, relating to vehicles.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1785, as amended, Quirk. Vehicles: use of wireless electronic devices.

Existing law prohibits a person from driving a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication, as defined, unless the electronic wireless communications device is specifically designed and configured, and is used, to allow voice-operated and hands-free operation, as specified. A violation of these provisions is an infraction.

This bill would instead prohibit a person from driving a motor vehicle while holding and operating a handheld wireless telephone or a wireless electronic communication device, ~~as defined, except as specified.~~ *defined. The bill would authorize a driver to operate a handheld wireless*

*telephone or a wireless electronic communications device in a manner requiring the use of the driver's hand only under specified conditions.* By changing the definition of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 23123.5 of the Vehicle Code is repealed.  
2 SEC. 2. Section 23123.5 is added to the Vehicle Code, to read:  
3 23123.5. (a) A person shall not drive a motor vehicle while  
4 holding and operating a handheld wireless telephone or an  
5 electronic wireless communications device unless the wireless  
6 telephone or electronic wireless communications device is  
7 specifically designed and configured to allow voice-operated and  
8 hands-free operation, and it is used in that manner while driving.  
9 (b) This section shall not apply to manufacturer-installed systems  
10 that are embedded in the vehicle.  
11 ~~(c) This section shall not apply to a wireless telephone or~~  
12 ~~electronic wireless communications device that is mounted on a~~  
13 ~~vehicle's windshield in the same manner a portable Global~~  
14 ~~Positioning System (GPS) is mounted pursuant to paragraph (12)~~  
15 ~~of subdivision (b) of Section 26708 and that is operated solely to~~  
16 ~~activate or deactivate a feature or function with the motion of a~~  
17 ~~single swipe or tap of the driver's finger.~~  
18 (c) A handheld wireless telephone or electronic wireless  
19 communications device may be operated in a manner requiring  
20 the use of the driver's hand while the driver is operating the vehicle  
21 only if both of the following conditions are satisfied:  
22 (1) The handheld wireless telephone or electronic wireless  
23 communications device is mounted on a vehicle's windshield in  
24 the same manner a portable Global Positioning System (GPS) is  
25 mounted pursuant to paragraph (12) of subdivision (b) of Section  
26 26708 or is mounted on or affixed to a vehicle's dashboard or

1 *center console in a manner that does not hinder the driver's view*  
2 *of the road.*

3 *(2) The driver's hand is used to activate or deactivate a feature*  
4 *or function of the handheld wireless telephone or wireless*  
5 *communications device with the motion of a single swipe or tap*  
6 *of the driver's finger.*

7 (d) A violation of this section is an infraction punishable by a  
8 base fine of twenty dollars (\$20) for a first offense and fifty dollars  
9 (\$50) for each subsequent offense.

10 (e) This section does not apply to an emergency services  
11 professional using an electronic wireless communications device  
12 while operating an authorized emergency vehicle, as defined in  
13 Section 165, in the course and scope of his or her duties.

14 (f) For the purposes of this section, "electronic wireless  
15 communications device" includes, but is not limited to, a broadband  
16 personal communication device, a specialized mobile radio device,  
17 a handheld device or laptop computer with mobile data access, a  
18 pager, or a two-way messaging device.

19 SEC. 3. No reimbursement is required by this act pursuant to  
20 Section 6 of Article XIII B of the California Constitution because  
21 the only costs that may be incurred by a local agency or school  
22 district will be incurred because this act creates a new crime or  
23 infraction, eliminates a crime or infraction, or changes the penalty  
24 for a crime or infraction, within the meaning of Section 17556 of  
25 the Government Code, or changes the definition of a crime within  
26 the meaning of Section 6 of Article XIII B of the California  
27 Constitution.